1942

# File No. Medical Pract. II/42

Legal DEPARTMENT

B BRANCH

P 12(4)

**Subject:—**

Rules and Notifications

under the

The Bombay Medical Practitioners Act,

1938.

**File No.** Medical Pract. II/42

Std. Sectt Slip 24-B

51-B.

NOTIFICATION.

General Department.

Bombay Castle, 1942.

The Bombay Medical Practitioners' Act, 1938.

No.3854/33(b).- In exercise of the powers conferred by sub-section (2) of section 22 of the Bombay Medical Practitioners' Act, 1938, (Bom.XXVI of 1938), the Government of Bombay is pleased to specify, on the recommendation of the Board of Indian system of medicine, Bombay, the Board of Examiners consisting of the following persons as authorised to hold the intermediate and final examinations in the Unani system of medicine in accordance with the regulations published in Government Notification, General Department, No.4124/33, dated the 17th December 1940.

Board of Examiners.

(1) Vaidya Jadavji Trikumji
(2) Shifa-Ul-Mulk Hakim Sarfraz Hussein.
(3) Shifa-Ul-Mulk Hakim Rashid Ahmed Khan.
(4) Hakim Mohamed Qunssim Chichiwala.
(5) Hakim Fazli Rahim.
(6) Hakim Shamsul Islam.
(7) Mr. Mohamed A. Qureshi.

By order of the Governor of Bombay,

Joint Secretary to Government.

MRP.
2/5/56.

NOTI
General Departm
Bombay Castle, 1942.

The Bombay Medical Practitioners' Act, 1938.

No.3854/33(b).- In exercise of the powers conferred by sub-section (2) of section 22 of the Bombay Medical Practitioners' Act, 1938, (Bom.XXVI of 1938), the Government of Bombay is pleased to specify, on the recommendation of the Board of Indian system of medicine, Bombay the Board of Examiners consisting of the foll persons as authorised to hold the intermedi and final examinations in the Unani system medicine in accordance with the regulatio published in Government Notification, G Department, No.4124/33, dated the 17th 1940.

Board of Examiners.

(1) Vaidya Jadavji Trikamji
(2) Shifa-Ul-Mulk Hakim Sarfraz
(3) Shifa-'Ul-Mulk Hakim Rashid
(4) Hakim Mohamed Quassim Ch
(5) Hakim Fazli Rahim.
(6) Hakim Shamsul Islam.
(7) Mr. Mohamed A. Qureshi

By order of the Gove

Joint Secret

HRP.
2/5/56.

Office of the R.L.A.

It appears from the letter of the Board dated the 16th March 1942 at page 23 ante that though the syllabus prescribed by the Institutions concerned is not in every detail the same as the one prescribed for the second and fourth examinations in Ayurveda and intermediate and final examinations in Unani by the new regulations published in Government Notification, General Department No.4124/33, dated the 17th December 1940 it is substantially the same so that the students following the syllabus prescribed by the institutions concerned can conveniently appear for the aforesaid examinations. There is therefore no legal objection to Government sanctioning the regulation.

Sd. P.N.Moos,
31/3.

Remembrancer of Legal Affairs.

U.O.No.to G.D.,No.135-Confl., dated the 31st March 1942.

HRP.
2/5/50.

Office of the R.L.A.

A revised draft notification is appended.

2. The preamble has been recast in accordance with the precedents.

3. Regulation 1 has been revised with a view to precision.

4. Regulation 2.- Under sub-section (3) of section 14 of the Medical Practitioners Act, 1938, the power to appoint such other officers and servants (other than the Registrar) as may be necessary for the purposes of the Act vests in the Board. In view of this provision it would not be competent for the Board to make a regulation under section 30 conferring the power to make temporary appointments on the Registrar. Regulation 2 has therefore been omitted.

Sd. P.N.Moos, 2/6.
Remembrancer of Legal Affairs.

M.R.to G.D., No.6558, dated the 3rd June 1942.

HNP.
2/6/56.

NOTIFICATION.

General Department.

Bombay Castle, 1942.

The Bombay Medical Practitioners Act, 1938.

No.4124/33.- The following regulation made by the Board of Indian Systems of Medicine, Bombay, having been sanctioned by the Government of Bombay under sub-section (1) of section 30 of the Bombay Medical Practitioners Act, 1938 (Bom.XXVI of 1939), are hereby published as required by sub-section (2) of the said section 30, namely:-

REGULATION REGARDING GRANT OF LEAVE TO THE CLERKS AND PEONS.

The grant of leave to the clerks and peons appointed by the Board under sub-section (3) of Section 14 of the said Act shall be regulated by the Executive Committee of the Board in accordance with the provisions of the Revised Leave Rules, 1935, contained in Appendix XLIV-A of the Bombay Civil Services Rules.

By order of the Governor of Bombay,

Joint Secretary to Government.

HRP.
2/6/30.

NOTIFICATION.

GENERAL DEPARTMENT.

Bombay Castle, 1942.

The Bombay Medical Practitioners' Act, 1938.

No. .- In exercise of the powers conferred by sub-section (2) of section 33 of the Bombay Medical Practitioners' Act, 1938 (Bom.XXVI of 1938), the Government of Bombay is pleased to empower the following officers to take complaints in writing of any offence under the said Act, namely:-

(1) The Civil Surgeon in the district except in the districts of Surat, Sholapur and Bijapur;

(2) The District Health Officer in the districts of Surat, Sholapur and Bijapur;

(3) The Executive Health Officer of the Bombay Municipality in the City of Bombay.

By order of the Governor of Bombay,

Joint Secretary to Government.

MRP.
2/5/56.

Office of the R.L.A.

A revised draft notification is sent herewith.

Sd. M.K.Dravid
4/9
For Remembrancer of Legal Affairs.

U.O.to the G.D. No.7208, dated the 7th September 1942.

MRP.
2/5/56.

NOTIFICATION.

General Department.

Bombay Castle, December 1942.

The Bombay Medical Practitioners Act, 1938.

No. The following amendments made by the Board of Indian Systems of Medicine, Bombay, with the previous sanction of the Government of Bombay, under sub-section (1) of section 30 of the Bombay Medical Practitioners' Act, 1938 (Bom.XXVI of 1938) to the regulations for the grant of recognition to teaching institutions published in Government Notification in the General Department No.4124/33 dated the 7th January 1942 are hereby published as required by sub-section (2) of the said section 30.

In regulation 2 of the said regulations for clauses (d) and (i) the following clauses shall respectively be substituted:-

"(d) that,

(i) in the case of an Ayurvedic teaching institution, it possesses its own laboratories for Physics, Chemistry, Biology, Physiology and Pathology, a dissection hall for Anatomy and facilities for practical training in Pharmacy, and has under its control a hospital or hospitals with at least forty beds out of which ten beds are allocated to surgical and ten beds to maternity cases;

(ii) in the case of an Unani teaching institution, it possesses its own laboratories for Chemistry and Physiology, a dissection hall for Anatomy and facilities for practical

training in Pharmacy, and has under its control a hospital or hospitals with at least thirty beds out of which ten beds are allocated to surgical and five beds to maternity cases.

NOTE:- The laboratories, dissection halls and hospitals shall be so equipped as to be sufficient for the practical training required under the regulations prescribing the course of study for training.

(i) that the number of students admitted per year does not exceed —

(i) in the case of an Ayurvedic teaching institution, the number calculated in the proportion of two students for three beds; and

(ii) in the case of an Unani teaching institution, the number calculated in the proportion of one student for one bed."

By order of the Governor of Bombay,

Secretary to Government.

MMP.
2/5/56.

Office of the R.L.A.

A revised draft notification is appended.

2. It is not clear what G.D. means by the expression "relegated to it" used in new clause (d) of regulation 2 (pp.25-26 ante). G.D. is requested to clarify its intention. In the meantime the expression has been omitted from the revised draft.

Ed. P.J.D(os)

29/12

Remembrancer of Legal Affairs.

T.R.to G.D. No.10372, dated the 30th December, 1942.

IMP.
2/8/56.

CONTENTS.

Legal Department File No.Medical Pract.II/1942.


| Sr. No. | Compilation No. | Subject. | Pages. |
|---|---|---|---|
| | | **Bombay Medical Practitioners Act, 1938.** | |
| 1. | U.O.to G.D., No.61, dated 6-1-42. | Section 32 - Notification under -- | 1-4. |
| 2. | U.O.to G.D., No.1085, dated 5-2-42. | Section 30(1) -- Notification under --- | 5-8. |
| 3. | U.O.to G.D., No.2159, dated 10-3-42. | Section 16 -- Opinion regarding registration of students under --- | 9-10. |
| 4. | U.O.to G.D., No.2160, dated 10-3-42. | Section 22(2) -- Notification under -- | 11-16. |
| 5. | U.O.to G.D., No.135-Confl., dated 31-3-42. | Opinion regarding giving sanction to the Regulations etc. --- | 17-18. |
| 6. | U.O.to G.D., No.4558, dated 3-6-42. | Section 30(1) -- Notification under --- | 19-22. |
| 7. | U.O.to G.D., No.7203, dated 7-9-42. | Section 33(2) -- Notification under --- | 23-26. |
| 8. | U.O.to G.D., No.10372, dated 30-12-42. | Section 30(1) - Notification under --- | 27-30. |


HMP.
2/5/56.

R.L.A's Office.

The draft notification at page 83 ante, as amended, is in order.

2. Attention of the G.D. is invited to R.L.A's opinion No.7387, dated the 26th July 1939. The proviso to section 32 of the Bombay Medical Practitioners Act, 1938, provides for exemption from the operation of the section being granted to a class of persons and not to individuals. For reasons stated in paragraph 2 of the above opinion, while granting exemption under this proviso to a class of persons it would not be legal to prescribe a condition that a person belonging to such class shall apply for exemption and obtain a specific individual exemption from the operation of section 32. The proviso to the draft notification at page 83 ante which requires that an application for exemption should be made by every medical practitioner seeking exemption is, consequently, not in order. The proviso has, therefore, been deleted.

Sd. P.H.Moos
5/1

Remembrancer of Legal Affairs.

U.H.to G.D.,No.61, dated 6th January 1942.

MRP.
2/5/56.

NOTIFICATION.

General Department,

Bombay Castle, 1942.

THE BOMBAY MEDICAL PRACTITIONERS' ACT, 1938.

No.3150/33.- In exercise of the powers conferred by the proviso to section 32 of the Bombay Medical Practitioners' Act, 1938 (Bom.XXVI of 1938), the Government of Bombay is pleased to direct that the provisions of section 32 of the said Act shall not apply to the students of the Bombay Homoeopathic Medical College, Bombay, who have passed the final examination of that college during the years 1938 to 1941.

By order of the Governor of Bombay,

Secretary to Government.

HRP.
8/3/36.

Office of the R.L.A.

A revised draft notification is sent herewith.

Sd. P.N.Hoon,
Remembrancer of Legal Affairs.

U.R.to G.D.,No.1085 dated the 5th February 1941.

MRP.
2/6/36.

NOTIFICATION

General Department.

Bombay Castle, February 1942.

The Bombay Medical Practitioners' Act, 1938.

No.4124/33.- The following amendments made by the Board of Indian Systems of Medicine, Bombay, with the previous sanction of the Government of Bombay, under sub-section (1) of section 30 of the Bombay Medical Practitioners' Act, 1938 (Bom.XXVI of 1938) to the Regulation, made under clause (c) of the said sub-section (1) of section 30 and published in Government Notification in the General Department No.4124/33, dated the 17th December 1940, are hereby published as required by sub-section (2) of the said section 30, namely:-

In the said Regulation,

(a) in clause (a) for the words "equivalent examination of any recognised Indian University" the words "examination recognised by the Bombay University as equivalent to either of the said examinations" shall be substituted; and

(b) after clause (c) the following clause and Notes shall be inserted, namely:-

"(d) Entrance examination of the S.N.D.T. Indian Women's University, if passed in 1st or 2nd class in all the compulsory subjects and in Sanskrit or Arabic or Persian, and Physics and Chemistry as voluntary subjects.

Note 1.- Until the S.S.C. examination in a suitable group of subjects qualifying students for admission to recognised Ayurvedic Schools is held, persons who have

passed the "Pravesh" examination of the Tilak Maharashtra Vidyapeeth, Poona, held after 1932 with English, Sanskrit and Science as optional subjects shall be admitted to recognised Ayurvedic Schools.

Note 2.- Until the S.L.C. examination in a suitable group of subjects qualifying students for admission to recognised Unani Schools is held, persons who have passed the IVth standard of a secondary sh school and who are not below the age of 13 years shall be admitted to recognised Unani Schools."

By order of the Governor of Bombay,

Secretary to Government.

MRP.
2/5/56.

Office of the R.L.A.

Subject to the following remarks the draft notification at pages 9-10 ante is legally in order.

2. The draft regulation first provides that the students admitted to the recognized institutions before 1941 may follow the old syllabus of their respective Institutions for four years. It then provides that the students will have to appear for the second and fourth examinations in Ayurveda or intermediate and final examinations in Unani according to the regulations made by the Board and published in Government Notification, General Department No.6124/35, dated 17th December 1940. It is presumed that the syllabus for the second and fourth examinations in Ayurveda and intermediate and final examinations in Unani prescribed by the Regulations is the same as the one prescribed by the Institutions concerned for the aforesaid examinations.

The regulations provides inter ~~xxxx~~ alia that "the clauses in the said regulations regarding the attendance etc. will not be made applicable to them". This provision is vague. The G.D. should ask the Board to state precisely the other conditions besides attendance which shall not be made applicable to the students in question.

3. Para.3 of the G.D. note 5-3-42 at pp.128-129 in the linked file below:- The point on which G.D. wants R.L.A's advice is not clear. If G.D. wants to know whether the students who under the proposed regulation pass the qualifying examinations shall be entitled to have their names entered in the register under section 16 of the Bombay Medical Practitioners' Act, 1938 the answer is in the affirmative.

Sd. P.N.Kabe,
10/3.
Remembrancer of Legal Affairs.

N.H.to G.D.,No.2159 dated the 10th March 1942.

MRP.
2/6/50.

Office of the R.L.A.

Revised draft notifications are sent herewith.

Sd. P.N.Moos,
10/3
Remembrancer of Legal Affairs.

U.O.No.to C.D.,No.2160 dated the 10th March 1942.

HRP.
2/5/56.

NOTIFICATION.

General Department.

Bombay Castle, 1942.

The Bombay Medical Practitioners' Act, 1938.

No.3854/33(a).- In exercise of the powers conferred by sub-section (2) of section 22 of the Bombay Medical Practitioners' Act, 1938 (Bom.XXVI of 1938), the Government of Bombay is pleased to specify, on the recommendation of the Board of Indian systems of medicine, Bombay, the Tilak Maharashtra Vidyapeeth, Poona, as an institution authorised to hold in the current academic year beginning from ..... and ending with ..... the qualifying examination and the examinations prior to the qualifying examination in the Ayurvedic system of medicine in accordance with the regulations published in Government Notification, General Department No.4124/38, dated the 17th December 1940.

By order of the Governor of Bombay,

Joint Secretary to Government.

MRP.
2/5/56.